

BUREAU OF AUTOMOTIVE REPAIR

SPECIFIC LANGUAGE OF PROPOSED REGULATIONS

Legend: Deleted text is indicated by ~~striketrough~~.
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(1) *Section 3303.2 of Article 1 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3303.2. Review of Applications for Licensure, Registration and Certification; Processing Time.

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(1) An applicant for certification to blend, fill or sell test analyzer system (TAS) or emissions inspection system (EIS) calibration gases pursuant to section 44036.5 of the Health and Safety Code shall be informed in writing, within 70 days after completion of the application of the bureau's decision as to whether the applicant meets the requirements for certification. The minimum, maximum and median processing times for initial certification for such applicants from the time of receipt of the initial application until the bureau made a final decision on the application has been as follows:

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NOTE: Authority cited: Sections 9882 and 9887.1, Business and Professions Code; Sections 44001.5, 44002, 44014, 44031, 44036.5 and 44045.5, Health and Safety Code; and Section 15376, Government Code. Reference: Section 15376, Government Code; Section 44014.2, Health and Safety Code; and Section 20, Title 1, Government Code.

(2) *Section 3340.1 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.1. Definitions.

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(g) “Test analyzer system (TAS)” or “emissions inspection system (EIS)” means a tamper-resistant instrument which meets the requirements of subdivision (b) of section 44036 of the Health and Safety Code and which is certified by the bureau for use in the California Smog Check program.

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NOTE: Authority cited: Sections 44001.5, 44002, 44091 and 44095, Health and Safety Code; and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44014.5, 44017, 44017.1, 44030, 44036, 44037.1, 44056, 44062.1, 44070, 44092, 44093, 44094 and 44103, Health and Safety Code; Sections 220 and 11500, Vehicle Code; and Section 11505, Government Code.

(3) *Section 3340.15 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.15. General Requirements for Smog Check Stations.

A smog check station shall meet the following requirements for licensure and shall comply with these requirements at all times while licensed.

(a) Work Area. The testing and repairing of vehicles shall be performed only in a work area of the station that has been approved by the bureau during the licensing inspection. Other work may be performed in the approved area, as desired. Except for heavy-duty vehicles, the work area shall be within a building and shall be large enough to accommodate the type of vehicle being serviced. In the case of the testing and repair of heavy-duty vehicles the work area need not be in a building, but the test analyzer system or emissions inspection system used at the station may only be used within a building. The work area shall be kept clean and orderly.

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NOTE: Authority cited: Section 44001.5, 44002 and 44014.2, Health and Safety Code. Reference: Sections 44002 and 44014.2, Health and Safety Code.

(4) *Section 3340.16 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.16. Test-Only Station Requirements.

(a) Basic Area. A smog check test-only station operating in a ~~basic~~ other than an enhanced program area shall have all testing equipment and emission application and reference manuals necessary to test and/or inspect all affected vehicles, including the following:

(1) Test analyzer system or emissions inspection system, in accordance with the bureau's test analyzer system specifications referenced in section 3340.17(a) of this article.

* * * *

(b) Enhanced Area. A smog check test-only station operating in an enhanced program area shall have all of the equipment and materials specified by and conform to the requirements of subsection (a) above, except for subsections (a)(1) and (a)(5), and an emissions inspection system in accordance with the bureau's BAR-97 Emissions Inspection System Specifications referenced in section 3340.17(b) of this article. A smog check test-only station operating in an enhanced area shall have a tire pressure gauge capable of accurately measuring tire pressure at the specification for the vehicles being tested and inspected using the loaded-mode test procedure.

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NOTE: Authority cited: Sections 44002 and 44013, Health and Safety Code. Reference: Sections 44012, 44013, 44014.5 and 44015, Health and Safety Code.

(5) *Section 3340.16.6 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is repealed as follows:*

§ 3340.16.6. Requirement for Telephone Line.

A test analyzer system or emissions inspection system prescribed by subdivision (b) of section 44036 of the Health and Safety Code and used in the smog check program must be connected via modem to a standard, single-party business telephone line, in order to transmit

required program information. The line must not be used for any other purpose, nor may it be connected to more than one test analyzer system or emissions inspection system, nor may it have call waiting or any other special feature ~~which~~ that would interfere with the modem's operation. Smog Check stations shall keep this telephone connected to the appropriate test analyzer system or emissions inspection system at all times.

NOTE: Authority cited: Sections 44002 and 44036(b), Health and Safety Code. Reference: Sections 44012 and 44036(b), Health and Safety Code.

(6) Section 3340.17 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:

§ 3340.17. Test Equipment, Electronic Transmission, Maintenance and Calibration Requirements.

(a)(1) Until July 1, 2003, Each smog check station operating in a basic-area shall have a BAR certified test analyzer system that meets the specifications contained in the BAR-90 Test Analyzer System Specifications dated April 1996, hereby incorporated by reference. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in these specifications, which include the form, manner and frequency of data transmittals. The test analyzer system shall be maintained and calibrated in accordance with the bureau's BAR-90 Test Analyzer System Specifications referenced in this subsection, and in accordance with the manufacturer's specifications. The test analyzer system shall have the most current software and hardware updates required by the bureau.

(2) On and after July 1, 2003, each smog check station operating in other than an enhanced program area shall have a BAR certified emissions inspection system, as specified in subsection (b), except that the hardware and the software necessary to conduct dynamometer based, loaded-

mode emissions inspections shall not be required. Vehicle data emission test results shall be transmitted to the department's centralized data base in accordance with the procedures contained in the specifications referenced in subsection (b), which include the form, manner and frequency of data transmittals. The emissions inspection system shall be maintained and calibrated in accordance with the specifications referenced in subsection (b), and in accordance with the manufacturer's specifications. The emissions inspection system shall have the most current software and hardware updates required by the bureau.

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(d) A test analyzer system or emissions inspection system shall only be used within a building and shall not be used in an environment that would subject the test analyzer system or emissions inspection system, to excessive heat, cold, dust, or moisture. The specifications for environmental conditions are referenced in the bureau's "BAR Exhaust Gas Analyzer Specifications" dated 1980, as herein incorporated by reference, and in the BAR-90 Test Analyzer System Specifications and BAR-97 Emissions Inspection System Specifications referenced in subsections (a) and (b) of this section.

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NOTE: Authority cited: Sections 44002, 44036 and 44037.1, Health and Safety Code. Reference: Sections 44012, 44036 and 44037.1, Health and Safety Code.

(7) *Section 3340.18 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.18. Certification of Test Analyzer System and Emissions Inspection System

Calibration Gases and Blenders of Gases.

Test analyzer system and emissions inspection system calibration gases used by smog check stations and gas blenders who provide such calibration gases shall be certified by the bureau in

accordance with the requirements of the bureau's "Specifications and Accreditation Procedures for Calibration and Audit Gases Used in the California Emissions I/M Program" publication dated January 1990, as herein incorporated by reference.

NOTE: Authority cited: Sections 44002 and 44036.5, Health and Safety Code. Reference: Section 44036.5, Health and Safety Code.

(8) *Section 3340.32 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.32. Standards for the Certification of Institutions Providing Retraining to Licensed Technicians or Prerequisite Training to Those Seeking to Become Licensed Technicians.

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(e) Applicants Requirements. An applicant shall meet the following requirements:

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(2) Equipment, Tools and Materials for Basic Smog Technician Courses. An institution wishing to be certified to offer Basic Smog Technician courses shall have the following tools and materials in quantities sufficient to adequately train all participating students:

(A) A test analyzer system or an emissions inspection system as provided by and in

accordance with ~~the bureau's test analyzer system specifications referenced in Section 3340.17(a)~~ of this article.

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NOTE: Authority cited: Section 44002, Health and Safety Code. Reference: Sections 44030.5, 44031.5(b), 44045.6 and 44050, Health and Safety Code.

(9) *Section 3340.41 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:*

§ 3340.41. Inspection/Test/Repair Requirements.

(a) A licensed station shall give a copy of the test report printed from the test analyzer system

or emissions inspection system to the customer. The report shall be attached to the customer's invoice.

(b) No person shall enter into the test analyzer system or emissions inspection system any access or qualification number other than as authorized by the bureau, nor in any way tamper with the test analyzer system or emissions inspection system.

(c) No person shall enter into the test analyzer system or emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the test analyzer system or emissions inspection system any false information about the vehicle being tested.

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NOTE: Authority cited: Sections 44002, 44016 and 44030, Health and Safety Code; and Section 9882, Business and Profession Code. Reference: Sections 44012, 44016, 44030, 44036(a) and (b), 44050 and 44051.5, Health and Safety Code.

(10) Section 3340.42 of Article 5.5 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations is amended to read as follows:

§ 3340.42. Mandatory Emissions Inspection Standards and Test Procedures.

Smog check stations and smog check technicians shall conduct tests and inspections in accordance with the bureau's BAR-90 Test Analyzer System Specifications referenced in section 3340.17(a) or the BAR-97 Emissions Inspection System Specifications referenced in section 3340.17(a) and (b), whichever is appropriate, and the following:

(a) There shall be two test procedures as follows. The loaded mode test method shall be the primary test method used in the enhanced program areas and the idle mode test method shall be used in all other program areas of the state.

(1) A loaded mode test method shall measure hydrocarbon, carbon monoxide, carbon dioxide and oxides of nitrogen emission. The loaded mode test equipment shall be Acceleration

Simulation Mode (ASM) test equipment, including a chassis dynamometer, certified by the bureau. The loaded mode test procedures, including the preconditioning procedure, shall only be conducted according to bureau approved procedures and include the following:

(A) Place the vehicle's driving wheels on a chassis dynamometer and properly restrain the vehicle prior to commencing the test.

(B) Exhaust emissions shall be tested and compared to the emission standards set forth in this section and as shown in Table I.

(C) With the vehicle operating, sample the exhaust system in the following sequence:

1. Accelerate the vehicle to the cruise condition as specified by the test procedures.
2. Operate the vehicle long enough to stabilize emission levels.
3. Measure and record emissions (hydrocarbon, carbon monoxide, carbon dioxide, and oxides of nitrogen).

(2) The idle mode test method shall measure hydrocarbon, carbon monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as contained in the bureau's specifications.

Exhaust emissions from a vehicle subject to inspection shall be tested and compared to the emission standards set forth in this section and as shown in Table II or Table III, as applicable.

(3) All tests shall be performed with the engine at its normal operating temperature.

(4) All loaded mode testing shall be conducted in a manner which does not induce excess emissions to the test.

(b) There shall be a liquid fuel leak inspection as follows:

(1) As used in this section, "Liquid fuel leak" means any fuel emanating from a vehicle's fuel delivery, metering, or evaporation systems in liquid form that has created a visible drop or more

of fuel on a component of a vehicle's fuel delivery, metering, or evaporation system or has created a fuel puddle on, around, or under a component of a vehicle's fuel delivery, metering, or evaporation system.

(2) With the engine running, the smog check technician shall visually inspect the following components of the vehicle, if they are exposed and visually accessible, for liquid fuel leaks:

- (A) Gasoline fuel tanks.
- (B) Gasoline fill pipes, associated hoses and fuel tank connections.
- (C) Gas caps.
- (D) External fuel pumps.
- (E) Fuel delivery and return lines and hoses.
- (F) Fuel filters.
- (G) Carburetors.
- (H) Fuel injectors.
- (I) Fuel pressure regulators.
- (J) Charcoal canisters.
- (K) Fuel vapor hoses.
- (L) Any valves connected to any other fuel evaporative component.

(3) If a smog check technician detects a liquid fuel leak, the technician shall enter "F" (Defective) in the "Fuel Evaporative Controls" category of the visual inspection when prompted by the test analyzer system or emissions inspection system, as appropriate, and the vehicle shall fail the inspection.

(4) Smog check technicians shall indicate on the vehicle inspection report the location of any liquid fuel leak.

(5) The liquid fuel leak inspection required by this section is a visual inspection only. Smog check technicians are not required to perform any disassembly of the vehicle to inspect for liquid fuel leaks. No special tools or equipment, other than a flashlight and mirror, are required and no raising, hoisting or lifting of the vehicle is required.

(6) Expenditures for repairs made at a licensed smog check station to correct liquid fuel leaks detected during a smog check inspection shall be credited toward the repair cost waiver expenditure specified in Section 44017 of the Health and Safety Code, or applied to the repair assistance program co-payment specified in Section 44062.1 of the Health and Safety Code and Section 3394.4 of this chapter.

(7) Nothing in the subsection shall prohibit a technician from refusing to inspect a vehicle or from aborting an inspection if a liquid fuel leak presents a safety hazard.

(8) This subsection shall not apply to vehicles fueled exclusively by compressed natural gas (CNG), liquid natural gas (LNG), or liquid petroleum gas (LPG).

(c) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter standards are as follows:

(1) A gross polluter means a vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions standards included in TABLES I, II or III.

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited to, sections 44014.5, 44015, 44017 and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of compliance until the vehicle's emissions are reduced to or below the applicable emissions standards for the vehicle as indicated in TABLES I, II, or III. However, the provisions described in section 44017 of the Health and Safety Code may apply.

(4) This subsection shall become effective immediately and applies in all program areas statewide to vehicles requiring inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

(5) The gross polluter emission standards in TABLE III shall be used to determine if a vehicle shall be designated as a gross polluter.

NOTE: Authority cited: Sections 44002, 44003, 44013 and 44036, Health and Safety Code. Reference: Sections 39032.5, 44002, 44003, 44005, 44011, 44011.3, 44012, 44013, 44014.5, 44015, 44017, 44032, 44036, 44062.1 and 44081, Health and Safety Code.